

MTN TO TRANSFER.OPPO.EVI.wpd

BERNARD PICOT and  
PAUL DAVID MANOS,

V.

Defendants.

Hearing date: August 10, 2012  
Hearing time: 9:00 am  
Dept: Courtroom 4, 5<sup>th</sup> Floor  
Judge: Hon. Edward J. Davila

On the grounds set out below, PLAINTIFFS, BERNARD PICOT and PAUL DAVID MANOS, object to and move to strike the indicated evidentiary proffer/s filed by DEAN WESTON in support of his MOTION TO TRANSFER.

OBJ.	MATERIAL OBJECTED TO	GROUND/S FOR OBJECTION & MOTION TO STRIKE
1 2 3 4 5 6 7 8 9 10 11 12 13 14	<p data-bbox="407 531 675 569">The entirety of the:</p> <p data-bbox="407 600 786 835">FURTHER DECLARATION OF DEAN WESTON IN S U P P O R T O F DEFENDANT'S MOTION TO TRANSFER VENUE TO THE EASTERN DISTRICT OF MICHIGAN</p> <p data-bbox="407 867 786 972">[Hereinafter the "WESTON REPLY TRANSFER DECLARATION."]</p>	<p data-bbox="813 531 1105 569">The Declaration was:</p> <ul style="list-style-type: none"> <li data-bbox="862 600 1533 674">~ Not mentioned in the Notice of Motion as a basis for the motion/s it purports to support;</li> <li data-bbox="862 705 1533 810">~ Not specified in the application for further time to file reply briefs submitted by DEFENDANT [DKT 18]; and,</li> <li data-bbox="862 842 1533 1041">~ Filed despite an Order from this Court [DKT 21] allowing further time only for the filing of a "Reply Brief on the Motion to Dismiss pursuant to Rule 12(b)(2) and (3) and on his Motion for Transfer of Venue under 28 U.S.C. § 1404(a)."</li> </ul>
15 16 17 18 19 20 21 22 23 24 25 26 27	<p data-bbox="407 1129 786 1276">The WESTON REPLY T R A N S F E R DECLARATION, at its ¶ 3, stating:</p> <p data-bbox="456 1308 786 1539">a. Ralph Keller ... has told me that Dave Manos said to him that I was to receive an equal share of the profits from the sale of the hydrogen cell and/or electrolyte.</p>	<p data-bbox="813 1129 967 1167">HEARSAY.</p> <p data-bbox="911 1199 1422 1236">Federal Rules of Evidence, Rule 802.</p>
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3	<p data-bbox="407 327 787 470">The WESTON REPLY T R A N S F E R DECLARATION, at its ¶ 3, stating:</p> <p data-bbox="456 501 787 737">b. ... Mr. Rao has informed me that, while in Michigan, Mr. Manos discussed with him both the fuel cell and made reference to me as one of three "partners." ...</p>	<p data-bbox="816 327 967 359">HEARSAY.</p> <p data-bbox="911 396 1422 428">Federal Rules of Evidence, Rule 802.</p>

DATED: May 27, 2012

/S/ THOMAS M. BOEHM

THOMAS M. BOEHM

Attorney for PLAINTIFFS, BERNARD PICOT  
and PAUL DAVID MANOS